IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2279 OF 2004

Mahtes Kallappa Koli ...Applicant
vs.
State of Maharashtra ...Respondent

Ms D.M.Shah for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 3,2005

P.C.:

1. This Petition is received through jail. Heard learned Advocate appointed for the Petitioner and the learned A.P.P. for State.

2. By order dated 19th May 2004 the application for furlough leave made by the Petitioner has been rejected. The first ground of rejection is the adverse police report. The second ground is apprehension expressed by the relatives of the victim of the offence committed by the Petitioner regarding threat to their life. The learned A.P.P. has placed on record copy of the police report dated 9th July 2003.

3. I have perused the said report. The report makes vague and general allegations against the Applicant. In my view on the basis of the said report which is based only on apprehension, furlough leave could not have been denied to the Petitioner. In view of this position, the application for furlough leave deserves to be reconsidered.

4. Hence, I pass the following order :

i) Impugned order dated 19th May 2004 is quashed and set aside. The Competent Authority will consider the application for furlough leave dated 28th March 2003 filed by the Petitioner afresh in the light of the observations made in this Judgment.

ii) The Application shall be decided within a period of 12 weeks from today. Before deciding the Application, it will be open for the Authority to call for the fresh police report.

iii) Petition is disposed of in above terms.

iv) Copy of this Judgment be forwarded to the Petitioner.

JUDGE